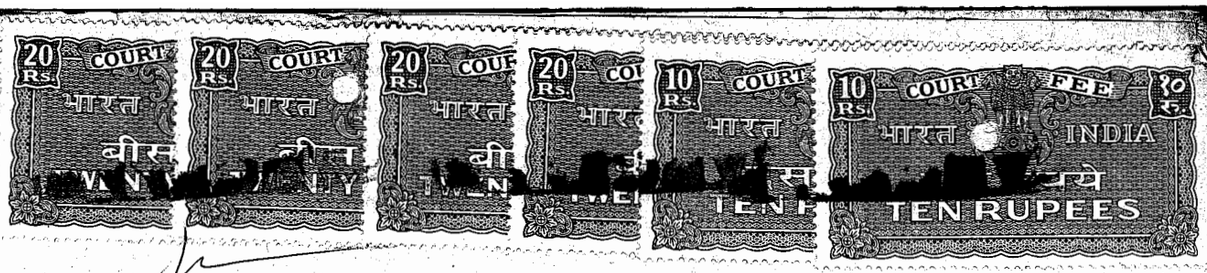

IN THE HIGH COURT OF JUDICATURE AT JABALPUR

3

WRIT PETITION NO. 790 /1998

PETITIONER : Smt. Kuldeep Kaur Bhattal,
aged about 49 years,
W/o Shri Bhupinder Singh,
R/o Moli Para, Ravigram,
Telli bandha,
Raipur (M.P.).

Versus

RESPONDENTS

R:S 1. The Chairman/President,
Khalsa Education Society,
New Bus Stand Road,
Pandary,
Raipur (M.P.).

R S 2. The Principal/Head Master,
Khalsa Primary School,
City Station Road,
Raipur (M.P.).

R S 3. The Deputy Director,
Education Pinchanwada,
Raipur (M.P.).

R S 4. Joint Director,
Public Education,
Raipur Division,
Raipur.

R 5. Commissioner,
Public Education,
M.P. Bhopal.

R S 6. State of Madhya Pradesh,
Through: its Collector,
Raipur (M.P.).

Received Copy of Petition With Annexures
16-2-98
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O/o. Advocate General
M. P. JABALPUR

PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUING WRITS IN THE NATURE OF MANDAMUS KERTIORARI ETC.

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 790 of 1998

Petitioner — Smt. Kuldeep Kaur Bhattal

Versus

Respondents — The Chairman/President, Khalsa Education Society & others

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri**.

Smt. Fouzia Mirza, Advocate for the petitioner.

Shri Raja Sharma, Advocate for the respondents No. 1 and 2.

Shri Sunil Otwani, Panel lawyer for the Respondents No. 3 to 6.

ORAL ORDER

(6th March, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioner has filed the petition being W.P.No. 665/96 in the High Court of Madhya Pradesh at Jabalpur seeking quashing of the order dated 12.7.1995 whereby she was dismissed from service by the Respondent No.2. The High Court of Madhya Pradesh by order dated 16.12.1996 while observing, as stated by the petitioner, that the statutory appeal was pending before the Deputy Director, directed the Deputy Director to decide the pending appeal within eight weeks.

2. The Deputy Director pursuant to the order dated 16.12.1996 passed by the High Court of Madhya Pradesh, decided the appeal pending before it and passed the order dated 9.9.1997(Annexure P/11), holding that the Deputy Director was not competent officer to hear and decide the appeal.

3. According to learned counsel for the petitioner, the competent officer is Respondent No.4 i.e. Joint Director to hear and decide the appeal

against the order of termination under the provisions of Section 6 of the Madhya Pradesh Ashaskiya Sikshan Sanstha (Adhyapakon Tatha Anya Karmchariyon Ke Vetano Ka Sandaya) Adhiniyam, 1978 and The Madhya Pradesh Ashaskiya Shikshan Sanstha (Adhyapakon Tatha Anya Karamchari) Appeal Rules, 1978, framed thereunder.

4. The petitioner has filed this petition on 15.2.1998, ever since the matter has been pending in this Court. In view of the pendency of the matter, it is necessary that the limitation, if any is provided, for filing an appeal before the appellate authority, delay so caused is condoned. Accordingly, the petitioner is granted two weeks time to file a proper appeal before the Respondent No.4. The Respondent No.4 is directed to consider and decide the appeal, in accordance with law within a period of six weeks from the date of receipt of the appeal, if so filed by the petitioner.

5. In view of the foregoing the petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur